

REMARKS:

This amendment is for the purpose of amending the Specification and claims 1 - 20 so that claims 1 through 20 remain in this application.

The Official Action dated 06/04/2004 notes that the patent number for the last to issue parent application should be inserted on page 1 of the specification in the proper place. Applicant has amended the specification on page 4 in line 7 of Amendment C for Continuation - 37C.F.R. 1.121 Practice by inserting "U. S. Patent 6,664,898 " in place of the word "allowed" in the section entitled "Cross Reference to Related Application." Applicant believes that this amendment to the specification complies with applicable statutes and respectfully requests reconsideration thereof.

The Official Action dated 04 June 2004 objects to the drawings under 37 C.F.R. 1.83(a). Specifically, the separably deployable neutralizing means in claims 1, 16 and 20 is not shown, the "line of sight transmitter" in claim 18 is not shown and the "Geo-Positional Satellite" in claim 19 is not shown. First, Applicant has amended independent claims 1, 16 and 20 by amending the recited phrase "separably deployable neutralizing means" to read "separably deployable means for neutralizing" to place the phrase in the proper means for format. Second, Applicant believes that the myriad apparatus and methods of applying countermeasures is too great to show every means of applying on the drawings, and as these apparatus and methods are well known in the art, Applicant believes that citation of "separably deployable means for neutralizing" is fully descriptive in claims 1, 16 and 20. Applicant has antecedent basis for deploying of countermeasures in the specification on line 1 of page 36 of the official specification without reference to any specific deployment method or apparatus. Third, in the Office Action dated 03/08/2002, in the prosecution of the original application in this chain, the Examiner objected to the drawings under 37CFR 1.83(a) as the "remote station" such as a "hand-held transceiver" or Geo-Positional Satellite" must be shown in the drawings or canceled from the claims. In an amendment to the original specification, Applicant showed the remote station in Fig. 6 and numbered the remote station generally as numeral 265, those amendments to the Figures carried forward to this application. In the previous prosecution, the Examiner allowed the application as amended showing remote station 265 as an apparatus which could comprise any communications means and/or control station and therefore, Applicant believes that the previous amendment to Fig. 6 showing the remote station fully complies with 37CFR 1.83(a) showing all elements of the claims and respectfully requests reconsideration and allowance of the claims in this application. Applicant has amended claim 18 to recite a "pocket transceiver" in

the place of the “hand-held transmitter”, pocket transceiver having antecedent basis on page 17 in lines 16 - 19.

If, however, the Examiner repeats the objection to the drawings as not showing all of the elements of the claims as presented, Applicant proposes amending drawing Figures 1, 2, 6 and 9 to show a GPS and a pocket or hand-held pocket transceiver communicating with other elements of the system and further proposes amending Figures 1, 2 and 9 to show separably deployable means for neutralizing deployed from at least one separate source. Specifically, in Figs. 1, 2, 6 and 9, a GPS would be inserted near the top margin of the drawing with communication waves shown emanating therefrom toward and/or from another element of the system. Applicant would further amend Figs. 1, 2, 6 and 9, to show remote station 265 in a hand thus constituting a hand-held pocket transceiver with communication waves shown emanating therefrom toward and/or from another element of the system to signify that communications may be accomplished with a hand-held pocket transceiver. Applicant further proposes amending Fig. 1 to show that the existing antenna on the deployment vehicle could constitute another means of communication with communication waves shown emanating therefrom toward and/or from another element of the system. Applicant would add numbers as shown in parentheses to the GPS (282), to the hand-held pocket transceiver (281), to the antenna (283) on the ground engaging deployment vehicle, to the communication waves 296 and to the separably deployable means (292) for neutralizing in drawing Figures 1, 2 and 9 being dropped from an air borne deployment vehicle 160 or shot from the rocket launcher (291) on the ground engaging deployment vehicle 160. In addition to the drawing changes, Applicant would further amend the specification on page 36 before the words “neutralizing agents” by inserting the phrase “by separably deployable means 292 for neutralizing” and after the words “neutralizing agents” by inserting the phrase “noted below” to include these elements. An air-borne deployment vehicle has antecedent basis in the specification in lines 1 - 23 on page 34, the pocket transceiver has antecedent basis especially in lines 16 - 19 on page 17 and on page 50 in line 3, the remote station may be on a deployment vehicle as described on page 17 in lines 19 & 20, the field markers may be located and accessed from the GPS as described on page 36 in lines 18 - 20 and again at line 7 on page 37 and finally, the means for neutralizing is described in lines 1 and 2 on page 36 as it is apparent from a reading of the specification that separate means for neutralizing would be required. It is Applicant’s belief, however, that amending the drawings as proposed would merely make the drawings cluttered and introduce confusion to specification as other separably deployed means for

neutralizing and means for communication are possible but would not be shown on the drawings. Applicant avers that no new matter would be added to the specification by these proposed amendments to the drawings and prays that the drawings as presented will be found acceptable and the application allowed.

The Official Action dated 06/04/2004 notes that the claims have been renumbered 1 - 20 in accordance with 37 C.F.R. 1.126. In this amendment, Applicant has renumbered the claims and claim references and therefore believes that the specification complies with the above referenced statute.

The Official Action rejects claims 1 - 20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, in claims 1, 16 and 20, the preamble of the claims cites a “system of . . . notifying . . . an environmental hazard” which is vague. The Examiner has kindly suggested replacing “notifying” with “providing notification of” and, accordingly, Applicant has so amended claims 1, 16 and 20. In addition, claims 1, 16 and 20 recite “separably deployable neutralizing means” which is indefinite as to what is being neutralized. Applicant has amended claims 1, 16 and 20 to recite “separably deployable means for neutralizing said environmental hazard” thus putting the recitation in proper means/for format. Furthermore, claims 1, 16 and 20 recite “a means for controlling” which is indefinite for failing to state what is being controlled. Applicant has amended claims 1, 16 and 20 by adding “said means for detecting, qualifying and quantifying” after the means for controlling to show that those elements as well as the means for signaling are controlled by the means for controlling. Finally, claims 1, 16 and 20 are indefinite for failing to defining what is being signaled by the “means for signaling.” Applicant has amended claims 1, 16 and 20 to define what is being signaled by inserting the phrase “indicating status of said field deployable marker or status of environmental conditions surrounding said field deployable marker, when deployed, to said remote station and/or personnel within sight of a deployed field deployable marker” after the recitation of the means for signaling. Applicant believes therefore that the noted rejections of claims 1, 16 and 20 have been overcome and respectfully requests reconsideration and allowance thereof.

The Official Action rejects claim 2 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, in the claim, the “means for activating” is indefinite as it is

unclear what is being activated. Applicant has amended claim 2 to state that the sensors carried by said field deployable marker are being activated and therefore believe that the rejection of claim 2 has been overcome. Applicants respectfully request reconsideration and allowance of claim 2.

The Official Action rejects claim 3 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention as the claim recites an “onboard state” of the means for signaling which is unclear. Applicant has amended claim 3 to show that the onboard state comprises a first state selected from the group comprising sampling or unknown mode, low level hazard and high level hazard and a second state selected from the group comprising sampling or unknown mode, low level hazard, high level hazard and safe mode. Antecedent basis for the state of the means for signaling is found on page 28 from line 17 through page 29, line 4 and on page 49, line 16 through page 50, line 3. Applicants believe that the rejection of claim 3 has been overcome and respectfully request reconsideration and allowance of claim 3.

Claim 4 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention as it is unclear how or in what manner the phrase “wherein personnel may be present” limits the scope of the claim. Accordingly, Applicant has amended claim 4 by removing the phrase “an initial state corresponding to an environmental condition wherein personnel may be present” and inserting a phrase to recite that the means for signaling is set to a preset initial state indicating unknown mode at deployment of said field deployable marker to further limit the scope of the preceding claims. Applicant believes that claim 4 is now in condition for allowance and respectfully requests reconsideration and allowance thereof.

Claims 5 and 6 were rejected for lacking clear antecedent basis for the term “said position” in each claim. Applicant has amended claims 5 and 6 by replacing the word “said” with the words “at a” thus establishing the term. Applicant has further amended claims 5 and 6 to overcome the rejection under 35 U.S.C. 112, second paragraph, for the phrase “an environmental condition consistent with . . . said (a) position where said field marker has been deployed . . .” by deleting the portion of the phrase stating “consistent with” thus rendering the claim definite by further defining the condition of the means for signaling. Claims 5 and 6 were further rejected as indefinite for failing to state what the initial state is changed to. Applicant has amended claims 5 and 6 to state that the “initial state” is a first state as defined in claim 3 in the chain and that the

means for signaling is changed to a second state as also defined in claim 3. Finally, claim 6 was further rejected for failing to define which element detects the environmental hazard from said means for detecting. Applicant has deleted the ending phrase to remove the indefinite elements from the claim. Applicant believes that claims 5 and 6 are now in condition for allowance and respectfully request reconsideration and allowance thereof.

Claims 11 and 13 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention as the term "said identification code" lacks clear antecedent basis in any previous claim. Applicant has amended claims 11 and 13 by deleting "code" replacing same with the word "number" and inserting the word "coded" before the word "identification" thus making the terms consistent with the term previously set forth in the claim. Applicant believes that clear antecedent basis has now been established for the term and further believes that claims 11 and 13 are in condition for allowance. Applicant respectfully requests reconsideration and allowance thereof.

The Official Action of June 4, 2004 rejects claim 14 as lacking clear antecedent basis for "the onboard state of said means for signaling" as the onboard state has not been defined. Accordingly, Applicant has amended claim 14 to establish an onboard state which may be changed and further define levels of a first state and a second state for the means for signaling. Applicant believes that proper antecedent basis has been established and that claim 14 is now in condition for allowance. Applicant respectfully requests reconsideration and allowance of claim 14.

Applicants have amended claims 1 - 20 for proper numbering, pendency and as shown above to overcome rejections advanced in the Official action and therefore Applicants believe the rejection of claims 1 - 20 based on 35 U.S.C. 112, second paragraph, has been overcome.

Applicants are greatly appreciative of the Examiner's prompt action in the examination of this docket and also greatly appreciative of the Examiner's suggestions indicating allowance of claims 1 - 20 if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph.

Applicant is appreciative of the art made of record and not relied upon as kindly provided by the Examiner.

Applicant established small entity status in the parent application Serial 09/306,171 filed on 05/06/1999, continued small entity status through division Serial 09/901,791 filed on 07/09/2001 and further continued small entity status through continuation Serial 10/234,259 filed on

09/04/2002, Applicant's small entity status continued from these previous applications into this application Serial 10/674,761 filed on 30 September 2003. Applicant's status as a small entity has not changed nor, in accord with 37CFR1.27 (4)(i), does the right to the Government at the beginning of the specification affect small entity status. Therefore, Applicant specifically claims small entity status in this Amendment.


In view of the above amendment, Applicant respectfully requests consideration and allowance of this continuing application.

Respectfully submitted,

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Date: 3 September 2004

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